

PATENT COOPERATION TREATY

PCT/IT2005/000074

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

25/8



WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IT2005/000074

International filing date (day/month/year)
15.02.2005

Priority date (day/month/year)
16.02.2004

International Patent Classification (IPC) or both national classification and IPC
B41J3/39, B41J3/36, B41K1/40, B41J3/28

Applicant
ALGOTECH SISTEMI S.R.L.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1b(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed,
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-15
Inventive step (IS)	Yes: Claims	
	No: Claims	1-15 —
Industrial applicability (IA)	Yes: Claims	1-15
	No: Claims	

2. Citations and explanations

see separate sheet

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Reference is made to the following documents:

- D1: US 2003/106447 A1
- D2: US-A-5 634 730 (cited by the applicant)
- D3: US-A-5 063 451

1. Clarity (Article 6 PCT)

It is not clear from claim 1 in which direction the frame is vertically movable, and in which direction the printhead travels, as there is no orientation given (e.g. towards or orthogonal to medium surface, in gravity direction etc.). Thus it is not clear if or how the two moving directions differ.

It is also not clear how the lower position is reached and maintained (e.g. manual force, weight, motor etc.).

Further it is not clear how the carriage is "powered".

Even further it is not clear how the printhead is "brought to touch" the print medium, especially in light of the description, page 6 ("tape passes between the needles, as printing means, and the surface of the zone to be printed").

2. Novelty

The present application does not satisfy the criterion set forth in Article 33(2) PCT because the subject-matter of claim 1 is not new in respect of prior art as defined in the regulations (Rule 64(1)-(3) PCT).

Document D1 (see especially paragraph 35 to 54; figs. 2-4, 12) discloses a semiautomatic electronic printer, comprising a housing that can be positioned on the surface of a medium to be printed and remain stationary during a print sequence, and electronic control means (10, 12, 13, 14) disposed in the housing and adapted to acquire data to be printed from a separated computer and to store such data, as well as adapted to control the operation of a print head, comprising, as a moving unit inside the housing:

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- a push-button (15) located in the upper part of the housing and movable with respect to same housing;
- at least a switch (8a, b) for controlling the printing, disposed on said moving unit and activated by the movement of the moving unit with respect to the housing;
 - a frame (1), being rigidly connected to said push-button and mounted, in a spring-charged relationship, inside said housing in such a manner to be vertically movable between two positions, the one being upper or rest position and the other being lower or work position, such lower position being reached and maintained at least for the time necessary to execute the printing operation;
 - a powered carriage (4), sustained, in its upper part, by said frame and adapted to transport a print head (3) for a predefined printing travel, and controlled by electronic control means;
 - the print head being provided with proper printing means (6) and positioned inside the housing, rigidly connected to said carriage with its printing means being disposed in the lower part and brought to touch said medium to be printed in the printing operation; and
 - a printed circuit board (12) sustained in its upper part by said frame, including said electronic control means.

Documents D2 and D3 also disclose these features.

Claim 1 does not differ from any of the above. Claim 1 lacks novelty.

3. Inventive step

The additional features of dependent claims 2-15 only concern minor modifications, which must be regarded as normal design steps for the person skilled in the art. A combination of any of their features with claim 1 would not appear to add anything inventive (Article 33(3) PCT) and therefore does not seem to form a suitable basis for a new claim.

4. Comments

Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

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The document D1 has not been identified in the description nor as the relevant background art disclosed therein been discussed. The requirements of Rule 5.1(a)(ii) PCT are, thus, not fulfilled.